

# BLOODY SUNDAY INQUIRY

WEEK 59

20 – 24 MAY 2002



## SUMMARY OF EVIDENCE

This week, the Tribunal heard the evidence of **Tony Geraghty**, chief reporter for the Sunday Times at the time of Bloody Sunday and author of The Irish War and from **Giles Peress**, a freelance photographer who took many of the widely published photographs of Bloody Sunday.

The Tribunal also heard the evidence of eight former and serving RUC officers, all of whom gave their evidence screened from the families and the wounded and from the general public:

**Neville McCoubrey** said that the first shots he had heard on the day had been automatic fire, rapidly succeeded by the sound of nail or blast bomb explosions.

**Alexander Gray, Thomas Hutchinson, James O'Neill** and **Robert Black** were all on duty at Fort George detention centre where the majority of those arrested on Bloody Sunday were taken. Whilst three of the officers told the Tribunal that the prisoners had not been mistreated in any way, James O'Neill recalled witnessing some brutality, including a balding man being struck in the groin with the butt of a rifle by a paratrooper.

**Clara Hamilton** and **Douglas Hogg** were both stationed at the RUC detention centre, set up at a military base at the junction of Craigavon Bridge and Foyle Street (to which the body of Gerald Donaghy was taken), under the command of **Harry Dickson**. Clara Hamilton said that she was the person who discovered the nail bomb in the right hand side pocket of Gerald Donaghy's jeans. The other two officers both claimed to have seen the bomb on the victim's body.

A full transcript of the proceedings is available at <http://www.bloody-sunday-inquiry.org.uk>.

### 1. NEVILLE MCCOUBREY'S EVIDENCE

At the time of Bloody Sunday, Mr McCoubrey was based in the village of Crossgar, County Down, having served in the RUC for three years. His evidence was based primarily on his contemporaneous police report.

## **1.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

### **1.1.1 Role and duties on Bloody Sunday**

Mr McCoubrey was briefed for duty on the morning of the march and placed under the direct supervision of Sergeant Tom Miller from Bangor. He was stationed in the Diamond to perform general police duties, and could not recall being told that his specific function was to prevent loyalists from making their way to the city Walls. He told the Inquiry that there had been no trouble in the Diamond on the day.

### **1.1.2 Police report of 10<sup>th</sup> February 1972**

Mr McCoubrey could not recall having used his notebook on the day and said that his police report was the first written record of his recollection of what had transpired. He said that, when he wrote the report, he would have been aware of the numbers of fatalities and casualties, but could not recall whether he would have known that an inquiry was to be held into the events of the day.

He said that whilst travelling back to County Down with his fellow RUC officers, they might have received radio reports concerning the number of casualties, which could have lead to discussions about the day's events. However, he said that he did not discuss the contents of his report with anyone.

### **1.1.3 Riot at Butcher's Gate**

Mr McCoubrey described seeing military personnel setting up a barbed wire barricade across Butcher's Gate at approximately 2:30 pm in the afternoon. Approximately half an hour later, he said that he heard shouts and screams coming from the direction of the Gate and that, upon looking in that direction, he saw a number of military and police personnel taking cover behind a wall. He described seeing a mini riot involving a hostile crowd throwing stones and bottles through the gate at the security forces who responded by firing one plastic bullet. He said that the crowd then moved off, presumably to join the main march.

### **1.1.4 Gunfire and bombs heard on the day**

Mr McCoubrey's police report records three bursts of automatic fire coming from the direction of the Bogside at approximately 3:30 or 3:45 pm, followed by four explosions which he believed to be nail bombs. Then he described hearing sporadic gunfire throughout the rest of the afternoon. He told the Tribunal that he was sure that the sequence of events he had described was accurate.

#### 1.1.4.1 Automatic fire

Although he said that he no longer had any independent recollection of hearing the automatic fire, he said that, to the best of his belief, it had come from Rossville Street or Free Derry Corner, and that he had assumed it to be IRA fire. Having both heard and used automatic weapons during his RUC training, he was sure that he would have been able to correctly identify the sound of such guns and would not have confused their sound with that of the rotor blades of an army helicopter.

He said that he had heard no return fire from the army and did not get the impression that he was listening to a gun battle. Once again, he did not think that he had confused the sound of numerous army SLR (self loading rifle) shots with that of an automatic weapon.

#### 1.1.4.2 Explosions

In his 1972 report, Mr McCoubrey was unable to state definitely that the sounds he heard were in fact nail bombs. However, he told the Tribunal that, based on his experience in riot situations, and based on the fact that the sounds were much louder than anything else on the day, the sound was almost certainly that of a nail or blast bomb. He did not think that he could have mistaken the sound of the 50 rubber bullets fired by the army in the Bogside for that of a bomb.

At no time did he hear the army vehicles enter the Bogside, the sound of the crowd or of people running in panic.

#### 1.1.4.3 Sporadic gunfire

Mr McCoubrey said that he had heard sporadic gunfire from approximately 3:45 until 5:00. He could not recall whether he had heard the 103 high velocity rounds fired by the army.

## 1.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED

### 1.2.1 Gunfire

Mr McCoubrey repeated that the first shots he had heard on the day had been from an automatic weapon. Although in his contemporaneous report, he notes merely that he had heard sporadic fire throughout the afternoon, it was now his assumption that this fire had been from a number of different types of weapons. He was asked whether he had heard the 103 high velocity shots fired within the space of approximately 10 to 15 minutes in the Bogside, and he intimated that this would have been covered by his description of hearing sporadic gunfire.

He disagreed with Counsel's suggestion that his report was inaccurate.

### **1.2.2 Butcher's Gate**

Mr McCoubrey agreed that the officers stationed at Butcher's Gate itself would have had a better view than him of what was going on at the Gate. He was read portions of the statements of the eight RUC officers stationed at the Gate who all described 'a small group of youths' jeering and throwing stones and bottles. He agreed that their description of the occurrence would be more accurate than his own description of a riot, given their proximity to the Gate.

Ms McHugh also asked Mr McCoubrey whether, if there had been machine-gun fire in the Bogside, he would have expected his colleagues at Butcher's Gate to have heard it. He responded that all of the officers in his general area would have heard it. She then asked him to comment on the fact that none of the eight officers stationed at the Gate reported hearing automatic fire of any description. Mr McCoubrey expressed surprise, stating that, given the fact that they were closer to the Bogside than him, he would have expected them to have heard it.

### **1.2.3 Radio communications**

Counsel told Mr McCoubrey that not a single RUC radio report on Bloody Sunday suggested that anyone had overheard the sound of automatic fire or explosions. However, Mr McCoubrey was sure that he would have told colleagues who were close-by what he had heard at the time.

## **2. TONY GERAGHTY'S EVIDENCE**

Mr Geraghty was Chief Reporter for The Sunday Times at the time of Bloody Sunday, having covered the Troubles since 1969. He is a former member of the Parachute Regiment, having served with them in the 1950s, and the author of The Irish War.

## **2.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

### **2.1.1 Research into Bloody Sunday for The Sunday Times**

Mr Geraghty arrived in Derry early in the week following Bloody Sunday, remaining there for only one or two days, and explained that his contribution to The Sunday Times' investigation into the day's events was therefore limited. Instead, he had concentrated on covering the next civil rights march, organised by People's Democracy in Newry.

### **2.1.2 People's Democracy**

In his statement, Mr Geraghty described the activists of People's Democracy as 'hell bent as usual on confrontation with the RUC whether the police sought that or not'. He said that his personal experience of People's Democracy in action was that they sought a dialogue of violence with the police, and that this had been particularly true at the Newry march.

### **2.1.3 'The Irish War—The Military History of a Domestic Conflict'**

Mr Geraghty wrote a history of the Troubles entitled The Irish War which was published in 1998. During the course of his research, he approached veterans of the Parachute Regiment who were known to him either directly or indirectly.

#### **2.1.3.1 Para sources in book**

Mr Geraghty told the Tribunal that he had spoken with two sources from the Parachute Regiment when writing his book. He said that one of them had indicated that he would be giving evidence to the Tribunal, although he could not confirm whether this had taken place. He had not heard from the second source (known hereafter as Source 2) who had since moved overseas. He said that he had no notes relating to his interviews with his sources.

#### **2.1.3.2 'Blue on blue' gunshot**

Mr Geraghty said that the information he gathered during the course of his research was sufficient for him to treat with respect the possibility that the first shot fired on Bloody Sunday was, as the paratroopers saw it, an incoming round. However, he said that, from research and from what the Paras themselves had said, it seemed possible for the first shot to have been fired by other soldiers based along the city Walls. He raised the possibility that the shooting on the day had been triggered

by what he termed a 'blue on blue' gunshot, *i.e.* a shot by soldiers towards soldiers.

#### 2.1.3.3 Information relating to the IRA

Mr Geraghty got his information concerning the Provisional IRA (PIRA) and Official IRA (OIRA) orders on Bloody Sunday from secondary sources. However, he told the Tribunal that his former wife, Gillian Linscott, had interviewed the local PIRA commander at the time (on a matter separate to Bloody Sunday) and identified him as Martin McGuinness.

#### 2.1.3.4 Part time Territorial Army soldiers entering Bogside with 1 Para

During an informal conversation between Mr Geraghty and Source 2, following a day's skydiving, the source revealed to him that some of the men who had gone in with 1 Para on Bloody Sunday had been part-time Territorial Army soldiers rather than regular soldiers. Mr Geraghty also said that Source 2 had told him that the part-time soldiers had been noticeably more aroused by the prospect of killing than the regular soldiers.

#### 2.1.3.5 Tactics of the IRA

In his book, Mr Geraghty wrote in relation to Bloody Sunday: "The IRA, whether they opened fire first or not, were guilty of using their own unarmed civilians as a screen from behind which they tried to shoot soldiers. They would not be the first terrorist group to use such a screen; nor would this be the first time the IRA had opted for the calculated martyrdom of some of their own if it furthered the greater cause of Irish unity". In response to questioning by Counsel, Mr Geraghty acknowledged that there was no evidence of the IRA having used civilians as screens on Bloody Sunday as such, but said that anyone who chose to open fire on Bloody Sunday, whether from behind civilians or not, had been inviting retaliatory fire.

#### 2.1.3.6 Bodies smuggled across the border

Mr Geraghty's sky diving companion (Source 2) also told him that, whilst he regretted the deaths of 13 civilians, the army had probably killed the same amount of PIRA members, but that their bodies had been smuggled across the border. Mr Geraghty also reported having spoken with a non-Para officer, who had access to the Bloody Sunday file held at Army Headquarters Northern Ireland, who told him that there was a mismatch between the number of hits claimed by the Paras and the number of casualties publicly identified.

### 2.1.3.7 Pressure being put on Lord Carver to adopt a 'shoot to kill' policy

A section in the book dealing with events prior to Bloody Sunday reads that pressure was being put on Lord Carver (the army's Chief of General Staff) by the Cabinet and senior ministers to introduce an unlawful 'shoot to kill' policy: "it was being suggested that it was perfectly legal for the army to shoot somebody, whether or not they thought they were being shot at, because anybody who obstructed or got in the way of the armed forces of the Queen was, by that very act, the Queen's enemy". Lord Carver had confirmed in writing that the key person pushing this theory was the Lord Chancellor of the time, Lord Hailsham.

## 2.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED

### 2.2.1 Source 2

Given that the information imparted to Mr Geraghty by his sky diving friend had not been provided under a pledge of anonymity, Counsel asked Mr Geraghty why he was refusing to identify his source. He responded that, whilst the information had not initially been given in confidential terms, when he had later come to write the book and had wanted to rely on the information imparted, he had contacted his friend who had asked him to preserve his anonymity.

Mr Geraghty said that his source had admitted regretfully that the 14 known civilian dead in the Bogside were probably wrongfully killed and that the Paras had killed innocent people. However, he told the Inquiry that his source had not explained how he had come to know that his regiment had killed innocent people.

### 2.2.2 Ethos and reputation of the Parachute Regiment

In his book, Mr Geraghty wrote, in relation to the Magilligan and Bloody Sunday marches: "Soldiers of the 1<sup>st</sup> Battalion of the Parachute Regiment, arguably the most aggressive unit in the British Army, were imported specially from Belfast on both Sundays... Front-line soldiers, trained for a sacrificial role behind enemy lines, dedicated to taking as many as possible of the enemy with them before they die, are not the best choice for urban warfare against terrorists dressed as civilians, a war fought in a jungle of moral subtleties". He agreed with Counsel that senior officers in 1972 would have been well aware of reputation of the Parachute Regiment and the role for which the soldiers were trained. He also added that Paras were trained to shoot to kill.

Mr Geraghty said that it was clear that the Paras on Bloody Sunday had in fact been shooting to kill rather than using demonstrative fire to disperse or wound.

## **2.3 QUESTIONS ON BEHALF OF THE SOLDIERS**

### **2.3.1 'Blue on blue' shot**

Mr Geraghty said that there were two possibilities to support the Paras' contention that they had been fired at first, the first being that they came under attack from IRA sniper fire, and the second that a non-Para soldier stationed elsewhere in the area had fired an accidental shot in their direction.

### **2.3.2 Source 2**

Mr Geraghty said that he trusted his source and regarded him as reliable. He was informed by Counsel that the Tribunal was in receipt of statements from all of Mortar Platoon, the first platoon to have entered the Bogside, and that none of them was a Territorial part-timer. Mr Geraghty acknowledged that he had been initially surprised by his friend's information but that, from personal knowledge, he was aware that special forces did often operate in Northern Ireland wearing the badges of other formations.

He said that his friend had been sure that there had been fire in the direction of the soldiers and that he had been in mortal danger as he entered the Bogside.

### **2.3.3 Bodies smuggled across the border**

Mr Geraghty said that he had not dismissed the theory upheld by his friend that additional bodies had been smuggled across the border for burial, but that he had spoken to a number of members of the Parachute Regiment (who did not serve on Bloody Sunday) who dismissed it as regimental mythology.

He said that he had no personal experience or knowledge of bodies ever having been made to 'disappear', but that he had experience of casualties' identities being covered up or blurred in hospital.

## **2.4 DISCLOSURE OF SOURCES**

The Tribunal alerted Mr Geraghty to the fact that he might be recalled at a later stage and asked to identify his sources.

### **3. ALEXANDER GRAY'S EVIDENCE**

Mr Gray was an RUC officer, based at Rosemount Station in Derry at the time of Bloody Sunday. He was detailed for duty on the morning of Bloody Sunday and told to be on stand-by at Fort George to act as a custody officer.

#### **3.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

##### **3.1.1 Set-up at Fort George**

Mr Gray told the Tribunal that the use of Fort George was exceptional, as the police usually used Victoria Station as a detention centre. However, he did not know why Fort George had been selected in this case.

He said that the RUC had been allocated a hangar-type building, containing two enclosures, made of barbed wire and wooden trellises, measuring approximately 24 square feet each. He said that there was no furniture, seats or heating in the enclosures.

##### **3.1.2 Arrival of arrestees**

Although Mr Gray was at Fort George from approximately 12.45, the first detainees did not arrive until after 4:30 pm. He said that he had witnessed the arrival of the first lorry-load of detainees, containing approximately 15 civilians accompanied by soldiers. He did not see the other lorries arrive, but thought that there had been between three and five batches of people, totalling approximately 58 detainees.

##### **3.1.3 Processing detainees**

Initially, Mr Gray was responsible for the first stage of the processing procedure, taking names, addresses and details of personal possessions from the detainees who were then put into one of the enclosures. However, as the numbers of detainees grew, he said that prisoners were put into the enclosure upon arrival.

The arresting soldiers (soldiers from Support Company 1 Para) did not arrive at Fort George until late in the evening, at which time they selected people from the enclosures whom they said they had arrested. The soldier and arrestee would then be taken into an office where more particulars were taken by Sergeant Graham, assisted by Mr Gray. He did not recall photographs being taken of the detainee and the arresting officer, nor could he recall Royal Military Police (RMP) personnel being present in the holding area.

### **3.1.4 Brutality towards detainees**

Mr Gray had watched the arrival of the first lorry load of detainees and said that he had not seen them being made to run a gauntlet or being brutalised in any way, although they had been made to jump from the back of the lorry, causing a number of them to fall over. He said that they had appeared panicked on arrival, as they did not recognise Fort George as a bone fide detention centre.

Mr Gray told the Tribunal that there were no soldiers present with the civilians in the hangar which remained under RUC control at all times. He said that nobody had been made to hold on to the barbed wire or to stand spread-eagled against the walls. He said that the prisoners could do as they wished within the enclosures and that they were not made to do anything against their will.

He said that he had not heard any of the soldiers who later identified the detainees verbally abusing them in any way. He told the Tribunal that, had he heard a soldier abusing somebody, he would have detained them as well. He also added that, had one of his junior officers witnessed anything untoward, they would have reported it to him. However, he said that this had not happened as nothing untoward occurred to his recollection.

### **3.1.5 Treatment for the injured detainees**

Mr Gray said that, as the evening progressed, the RUC organised medical treatment for those with injuries, bringing in army medics to treat the wounded. He recalled one young man being taken to hospital for treatment, having sustained a severe injury to his ear.

## **3.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED**

### **3.2.1 Brutality towards detainees**

#### **3.2.1.1 Running the gauntlet**

Despite being told of civilian evidence describing running the gauntlet from the first lorry into the hangar, and despite being read a statement by a soldier from the Coldstream Guards corroborating this account, Mr Gray said that it had not happened. Furthermore, he did not recall Paras accompanying the initial batch of prisoners into the compound, believing the accompanying soldiers to have been from another regiment.

He was also read an account made by one of his junior officers, Constable O'Neill, who described seeing a young Para strike a balding

man in the groin with the butt of a rifle, unprovoked, causing the man to fall to his knees. Constable O'Neill described this happening as the balding man got down from a lorry. Mr Gray reiterated that he had only seen one lorry arrive and that none of those who disembarked had been mistreated in any way.

Mr Gray went on to say that some things could have happened slightly out of his line of sight and out of his direct control. He had busied himself in attempting to ensure that people were calmed down and that they understood that they were being received by a proper authority.

#### 3.2.1.2 Treatment within the hangar

Mr Gray was read the statement of Soldier 1224 who described seeing the prisoners being made to stand spread-eagled against the wall and being struck by the Paras' batons if they did not spread their legs quickly enough or if they moved in any way. Soldier 1224 said that he himself was in the hangar, keeping watch over the prisoners.

Mr Gray denied that any of this had occurred, saying that the RUC had maintained control at all times and that no soldier had been present within the enclosures at any time. He acknowledged that at some stage in the day, soldiers might have gone into the hangar with the civilians prior to their being put into the wire enclosures, but that this would only have been for a brief period of time.

Mr Gray also denied that there had been dogs in the compound at any stage, despite the evidence of INQ 18 who was a member of the RMP at the time.

#### 3.2.1.3 Injured detainees

Mr Gray said that between 15 and 20 of the detainees who arrived at Fort George had been injured in some way. He said that this had not struck him as unusual as the RUC was given to understand that the detainees were arriving from a riotous situation and that they could have been injured by missiles thrown. Counsel suggested that he had not asked those detained how they had sustained their injuries as he was perfectly aware that the injuries were the result of army mistreatment. He responded that he did not know how they had come by their injuries.

### **3.3 QUESTIONS ON BEHALF OF THE SOLDIERS**

#### **3.3.1 Facilities provided to prisoners**

Mr Gray could not recall the detainees being brought urns of tea, but acknowledged that this might have happened late in the evening, when heaters were also taken into the enclosures.

### **3.3.2 Verbal abuse of soldiers by the detainees**

Mr Gray said that the arrestees appeared shocked and frightened and that he did not hear any verbal abuse being directed at the soldiers by the detainees.

## **4. THOMAS HUTCHINSON'S EVIDENCE**

Mr Hutchinson was a probationary constable with the RUC and had been based at Rosemount Station since 1970.

### **4.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

#### **4.1.1 Role and duties on Bloody Sunday**

Mr Hutchinson was detailed for duty at Fort George on Bloody Sunday, along with Inspector Gardener (who was in charge), Sergeants Graham and Gray and Constables Curran, Christy and Ead. It was his belief that the Rosemount officers had been shielded from the march due to the recent killing of their two colleagues, Sergeant Gilgunn and Constable Montgomery, on 27<sup>th</sup> January 1972.

He was on duty at Fort George from 1:30 pm on Bloody Sunday until 1:15 am the following morning, during which time he was involved in processing those who had been arrested by the army.

He said that, to the best of his recollection, he had been responsible for completing pro forma forms concerning the prisoners. He said that a photograph was then taken of the detainees along with the arresting soldier, but he could not recall whether this had happened in front of him or in another room. He also had no recollection of taking statements from the arresting soldiers.

He told the Tribunal that he had no contact with the detainees aside from when he took down their details and that he had only once glanced at the barbed wire enclosures in which they were held. He described seeing the detainees facing towards the walls of the enclosures, holding on to the barbed wire, but could not recall whether they had been spread-eagled. Although he had no recollection of soldiers guarding the enclosures, he said that they must have been standing sentry as there had only been a few RUC officers on duty and

they would not have been able to perform this role adequately without the assistance of the army.

However, it was his recollection that the room in which he had processed prisoners had been separate to the hangar in which the prisoners were held, hence his recollection of only having had a fleeting glance of the enclosures.

#### **4.1.2 Brutality towards detainees**

Mr Hutchinson could not recall anybody complaining to him or to any of his colleagues about the way in which they had been treated by the army. He said that he had not seen or heard of prisoners being assaulted on the day.

However, he did recall a man with an injury to his nose telling him that he had been hit by a plastic baton round. The man had informed him of this as he escorted him to the gate to be released. Mr Hutchinson confirmed that he had not included this detail in his contemporaneous report but that it had remained in his memory for thirty years.

He told the Tribunal that he was not aware of this man or any other detainee having received medical treatment for their injuries.

#### **4.1.3 Identification of prisoners by arresting soldiers**

Mr Hutchinson said that he had become concerned that the soldiers had misidentified themselves as having arrested individual detainees, having seen photographs in the local papers following Bloody Sunday. In particular, he recalled seeing a photograph of somebody who was later detained running with his hands in the air, followed by a soldier carrying a rifle. The soldier in the photograph was black. However, Mr Hutchinson had dealt with the detainee in the photograph at Fort George and said that he had been identified by a white soldier who had presented himself as the arresting officer.

Mr Hutchinson said that he had informed his inspector of his concern that in many cases the soldier photographed as having been the arresting soldier was not in fact the arresting soldier. He had not received any feedback on the matter.

### **4.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED**

#### **4.2.1 Culture within the RUC**

Mr Hutchinson said that he could not comment on whether or not there had been a recent history of RUC misconduct in relation to

nationalist residents in Derry prior to Bloody Sunday as he had only been in the RUC for just over a year in 1972. He agreed that there appeared to be a general dislike of the RUC amongst the nationalist population of the time, but could not recall any older members of the police force telling him that nationalists were the enemies of the RUC. Equally, he could not recall whether the killings of his two colleagues in the days preceding Bloody Sunday had contributed to any resentment on the part of the RUC towards those taking part in the Bloody Sunday march.

#### **4.2.2 Barbed wire enclosures**

Mr Hutchinson agreed that the prisoners would not have been leaning forward, holding on to barbed wire voluntarily. However, he said that, at the time he had not questioned why they were standing in this way as he was grieving for his two colleagues who had died a few days previously and this thought was foremost in his mind. However, he denied that he had been prepared to turn a blind eye to brutality inflicted upon the prisoners as payback for the killing of his colleagues.

#### **4.2.3 Identification of prisoners**

From documentation obtained by the Tribunal, it would appear that Mr Hutchinson was involved in processing at least three prisoners, namely James Kelly, William Dillon and George Roberts. He was informed by Counsel that two of these men had been identified by a soldier known as INQ23 who told the Tribunal: "I remember the Military Police pointing out one or two people and asking me if I remembered them. The gist of what they said was 'you remember them, do you not'. Frankly, they all looked the same to me. I probably said no, I do not remember them. However, I probably agreed in the end that I had arrested some of them, and probably signed something, although I do not now remember the details".

Mr Hutchinson responded that he had no knowledge of how the prisoners had been selected by soldiers from the enclosures and that he had not asked for any detail from them. He reiterated that he had reported his concern about the possible misidentification of detainees as soon as he had become aware of it, *i.e.*, in the days following Bloody Sunday.

Counsel suggested to him that, as the officer responsible for processing at least three of the detainees, he would have seen the pro forma forms being used and would have seen the statement made by INQ23, stating in relation to George Roberts: "I arrested him. I can recognise this person again and know him to be George Joseph Roberts... I took Roberts to the maintenance base where I handed him over to the

RUC.” Counsel said that, upon seeing these forms, he would have been immediately aware that INQ23 was lying, since the arresting soldiers did not arrive at the same time as the prisoners and only identified them later in the evening. Mr Hutchinson said that he could not recall seeing individual prisoners prior to their being presented to him and that on the day he had not thought that there was anything irregular or suspect in the manner in which they were being identified.

#### **4.2.4 Brutality towards detainees**

Mr Hutchinson told the Tribunal that he could not recall anything happening at Fort George to suggest that prisoners were being treated badly by the military. He said that he had not felt that the fact that prisoners were standing, holding on to barbed wire, amounted to mistreatment.

Despite his colleague, Constable Black having told the Inquiry that “the dogs were barking and there was a lot of noise echoing around the building; it was bedlam”, Mr Hutchinson remained adamant that he had not seen or heard dogs on the day.

### **4.3 QUESTIONS ON BEHALF OF THE SOLDIERS**

#### **4.3.1 Killings of Sergeant Kilgunn and Constable Montgomery**

Mr Hutchinson confirmed the accuracy of a contemporaneous Irish News article describing how the two RUC officers had been killed when the police car in which they had been travelling had come under attack on the Creggan Road. He could not recall any details about the weapons reportedly used in the attack, which the article described as a Thompson sub-machine gun and two Sterling guns.

#### **4.3.2 Doubts about the misidentification of prisoners by arresting officers**

Counsel told Mr Hutchinson that a number of arrests had been made in the Bogside and that a group of these arrestees were taken into Little James Street where they were placed under the command of other soldiers who put them into a vehicle and drove them to Fort George. It was therefore suggested that the photograph which Mr Hutchinson had seen in the papers might have in fact shown a prisoner being escorted to the vehicle by a soldier who was not and never purported to be the arresting officer and that the prisoner had in fact been later correctly identified by his actual arresting officer.

## **5. JAMES O’NEILL’S EVIDENCE**

Mr O'Neill had served in the RUC for four years at the time of Bloody Sunday, and was based at Rosemount police station.

## **5.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

### **5.1.1 Role and duties on Bloody Sunday**

Mr O'Neill was detailed for duty at Fort George in order to deal with prisoners being brought in by the army. He said that the number of officers being sent to Fort George to deal with prisoners gave a strong indication that there would be a lot of prisoners ending up at Fort George.

### **5.1.2 Set up at Fort George**

Mr O'Neill described being shown to a large, open-ended hangar at Fort George which he and his colleagues had proceeded to arrange to receive prisoners. He said that the RUC set up rows of interview desks with chairs on either side of them. There were also two enclosures with barbed wire in the hangar for the prisoners. He recalled it being very cold within the building.

Mr O'Neill said that, to the best of his recollection, the actual processing of prisoners took place in the same large room where the enclosures were erected and said that the hangar was very open, providing almost no privacy.

He recalled some soldiers being present in the compound, but did not see any deployed as sentries in the holding area.

### **5.1.3 Brutality towards detainees**

Mr O'Neill told the Tribunal that he watched two army lorries arrive, carrying prisoners. He said that the detainees were being roughly treated and were being almost pushed off the lorries. The most brutal behaviour which he personally witnessed concerned a small red-haired man who was going slightly bald. He said that a young Para had struck him, unprovoked, in the groin with the butt of a rifle and that the man had fallen to his knees. He had not made a note of this in his notebook, nor had he reported it to one of the more senior officers.

He said that he had not seen the prisoners being made to run a gauntlet, but said that they were moved along, with their hands above their heads, in a rough and ready manner. He said that he did not see any soldiers carrying rubber hose.

Mr O'Neill recalled the presence of at least five army Alsatian dogs which were very ferocious and were barking continuously. He said that they were being held by their army handlers on fully extended leads, enabling them to get very close to the detainees, without actually making contact with them.

He said that all of the above had happened in the presence of other RUC officers, including Sergeant Gray and Sergeant Graham who were senior to him. He also said that he remembered Inspector Gardener, who had overall control of the police at Fort George, witnessing the scene.

Mr O'Neill recalled detainees being made to stand spread-eagled against a wall with their hands above their heads for a very long period of time, but could not recall whether they had been made to hold on to barbed wire.

#### **5.1.4 Control of the detainees**

Mr O'Neill said that chaos reigned within the hangar when the detainees arrived due to their sheer number. He told the Tribunal that the army was in control of the prisoners in the hangar as the police officers present remained at their desks, awaiting the presentation of prisoners by the soldiers. He stated that the army was clearly running the show on the day and that Paras were present from the time the first prisoners arrived.

#### **5.1.5 Identification of detainees by arresting officers**

##### **5.1.5.1 Selection of prisoners by paratroopers**

In his statement to the Inquiry, Mr O'Neill wrote: "as the process of identifying which Para had arrested which prisoner went on, the prisoners became very upset and very cold. I remember thinking that no-one seemed to be in total charge of the Paras as they were running around. They seemed to be very angry and very young. The place was very unpleasant and chaotic". He told the Tribunal that there were no senior officers present attempting to take charge of the paratroopers or of the identification process.

He said that he had been present in the compound as the paratroopers arrived and tried to identify those they had arrested and that there appeared to be a dispute amongst the soldiers about who had arrested whom and who could identify whom. He said that the situation lent itself to total mistakes being made.

#### 5.1.5.2 RUC procedure for processing prisoners

Mr O'Neill then proceeded to explain the identification process:

- Firstly, a Para would approach the desk behind which a police officer, such as Mr O'Neill, was sitting and would identify himself and the prisoner with him, giving the grounds for and specifics of the arrest.
- The RUC officer would then complete a pro forma, containing the information provided, which the soldier would sign.
- The prisoner would be cautioned and the RUC officer would make a note of their version of events.
- A photograph was then taken of the prisoner with the soldier.
- The RUC officer would make a notebook entry and write a short statement, detailing the process, which would serve as the key papers for any eventual court proceedings.
- Finally, Inspector Gardener decided whether to release the prisoner on bail, release them without bail or detain them in police custody.

Mr O'Neill said that he did not take detailed statements from the soldiers at any stage and had no recollection of the Royal Military Police being present.

He told the Tribunal that he had not seen the prisoners being physically or verbally abused as they were brought to him for processing, nor had any of them complained to him about the treatment they had received.

## 5.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED

### 5.2.1 Brutality towards detainees

Mr O'Neill reiterated that the paratroopers all appeared very angry and that the NCOs were making no attempt to restrain them in any way. He also could not recall the senior RUC officers attempting to intervene in any way.

He told the Tribunal that, in normal circumstances, it would have been his role as a police officer to arrest any person committing an unprovoked assault on another person. However, he had not arrested the Para who had assaulted the red-haired man with the butt of his rifle as it was an army rather than a police operation. He would not agree or disagree with Counsel's suggestion that it was not a practical proposition for an RUC officer to arrest a soldier, given the relationship between the two forces at the time. He said that, had he arrested the paratrooper or reported him, he would have been ostracised within the RUC. He also agreed that the Paras were actually above the law in the sense that they could commit acts of assault with impunity.

### **5.3 QUESTIONS ON BEHALF OF THE SOLDIERS**

#### **5.3.1 Siege of the Bligh's Lane police station**

Mr O'Neill was asked about the siege of the Bligh's Lane police station from 27<sup>th</sup> to 29<sup>th</sup> January 1972. He explained that a riot had broken out around the station and that the army vehicles that usually ferried the officers to and from the station had been unable to enter the area due to nail bombs and petrol bombs being thrown. He said that a person throwing a nail bomb had lost his hand and that a soldier had been wounded by a gunshot.

## **6. ROBERT BLACK'S EVIDENCE**

At the time of Bloody Sunday, Mr Black was stationed at Rosemount police station, having served in the RUC for six years.

### **6.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

#### **6.1.1 Role and duties on Bloody Sunday**

Mr Black told the Tribunal that his duties on the day had been to process prisoners arrested by the army. He remained at Fort George for the day, under the charge of Inspector Gardener. He said that the RUC had been taken aback by the large number of detainees brought to the centre, as they were not prepared for such numbers.

Mr Black thought that he was possibly involved in the first stage of the process used to deal with prisoners, *i.e.*, the taking of brief particulars prior to the prisoners being put within the barbed wire enclosures. However, it would also appear from documents obtained by the Tribunal that he was involved in the subsequent processing of at least five detainees.

Mr Black told the Tribunal that he thought that the building was under the control of the RUC as opposed to the army.

#### **6.1.2 Brutality towards the detainees**

Mr Black saw the first lorry-load of prisoners arriving and described how they had been made to walk from the lorry to the hangar through a passageway created from two barbed wire walls. He recalled dogs being present either side of the corridor, but could not remember whether they had been inside the barbed wire or outside it. He did not believe that the dogs had been used in a deliberate attempt to

intimidate the prisoners but thought they were there for crowd control purposes. He said that he did not see prisoners being made to run the gauntlet at any time.

He said that he did not witness any soldiers committing acts of brutality against prisoners.

## **6.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED**

### **6.2.1 Brutality towards detainees**

Mr Black wrote in his statement: "the prisoners seemed very frightened... I would have been scared myself... I found the scene quite harrowing". He could not explain precisely why he had found it harrowing but denied Counsel's suggestion that it had anything to do with brutality inflicted upon the detainees.

Eamonn McAteer, one of those processed by Mr Black, told the Tribunal that, after having been made run the gauntlet, he had been tripped up by an RUC officer as he entered the hangar. As Mr Black had been standing at the doorway to the hangar, Counsel asked him whether he had tripped Mr Black up. He denied this suggestion, saying that there had been other officers present at the door.

He said that he had not seen or heard any evidence of misconduct by paratroopers on the day.

## **7. HARRY DICKSON'S EVIDENCE**

At the time of Bloody Sunday, Mr Dickson was an RUC Inspector based in duty. He was in charge of the RUC detention centre, set up at a military base at the junction of Craigavon Bridge and Foyle Street in order to deal with any persons arrested by the army during the march.

### **7.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

#### **7.1.1 Set up at the detention centre**

Mr Dickson recalled soldiers being present in the compound, but said that they did not come near the two huts used by the RUC, one of which was to be used to receive arrestees and the other to process them. Constables Hamilton, Trotter, Hogg and Neilly were also on duty in the compound, under Mr Dickson's command, along with Sergeant Carson and Detective Sergeant McTeggart of the CID.

He said that there was at least one police radio at the compound, carried by Sergeant Carson.

### **7.1.2 Gerald Donaghy, Joseph Friel and Patrick Campbell**

Sergeant Carson had come into the hut where Mr Dickson was stationed and had informed him that a dead body and two wounded people had been brought into the detention centre. Mr Dickson said that he had not seen the cars arrive and had wondered why the people had not been taken directly to the hospital and to the mortuary. He said that Sergeant Carson had made no mention of a bomb or a suspected bomb at that stage.

He had left the hut and had seen an army ambulance. One of the wounded was already sitting in the ambulance, covered by a blanket, and the other injured man was being assisted into it. The ambulance then left for Altnagelvin Hospital.

### **7.1.3 Nail bomb on the person of Gerald Donaghy**

#### **7.1.3.1 Discovery of the nail bomb**

Mr Dickson had then turned his attention to one of the cars (containing Gerald Donaghy) around which approximately 12 soldiers had gathered. He looked into the car and saw the body of a youth on the back seat, partially covered by a blanket. Sergeant McTeggart told him that there was a blast bomb on the body and lifted the blanket to show him. Mr Dickson said that he had then seen an object protruding slightly from the right-hand trouser pocket at the front of the youth's jeans. He saw the end of the gelignite and a blue-coloured safety fuse.

Having seen the photograph of the bomb which the Tribunal has obtained, Mr Dickson said that the bomb in the photograph appeared to be protruding from the pocket to a greater extent to when he first saw the body.

#### **7.1.3.1 Constable Hamilton's statement to the Widgery Inquiry**

Mr Dickson was read a statement made to the Widgery Inquiry by WPC (woman police constable) Hamilton, who under his control at the detention centre. She described approaching the car with the officer in charge of the police detachment (Mr Dickson) in order to ascertain whether there was any identification on the body. She said that, as she had pulled off the blanket covering the body, a soldier who had been looking through one of the car windows said that there was something in one of the pockets. She had lent over to feel the bulge in the right-

hand jeans pocket and had seen an object covered with tape, from which a stick appeared to be protruding. The soldier had then shouted 'get out, it is a bomb', at which stage she had covered the youth with the blanket and closed the car door gently. She then added that the officer in charge had said that she was to leave it to him.

Mr Dickson said he had no recollection of that having happened.

#### 7.1.3.2 'Planted' bombs

Sections in Mr Dickson's statements which have been crossed out by him deal with the allegations that the bombs on the body of Gerald Donaghy had been planted. One of the sections read "I was immediately aware that it might be alleged that the nail bombs had been planted by the army and considered the possibility at the time". He explained that he had crossed it out because, upon reflection, he could not have been aware of the possibility of an allegation, as he had not known at that stage what had actually transpired in the Bogside. He also said that, contrary what he had stated in the first draft of his statement, he had not in fact been aware of rumours within the RUC on the eve of Bloody Sunday that the bombs had been planted.

#### 7.1.4 Medical examination of the body

At some stage, either before or after discovering the nail bomb on Gerald Donaghy's body, Mr Dickson said that he had been told that an army medical officer had examined the body and pronounced life extinct. He had not seen this examination take place.

Counsel informed Mr Dickson that it had materials relating to Soldier 138, who was a medical officer of the 1<sup>st</sup> Royal Anglians and who carried out the medical examination of Gerald Donaghy's body. 138 says that he carried out a preliminary examination of Gerald Donaghy and found him dead. He then went off to examine the two injured persons before performing a second, more extensive examination of the body in an attempt to determine the cause of death. 138 had not found any nail bombs on the body during either of his examinations.

138 has estimated that the process of examining the body, including the break between examinations, took up to 20 minutes. However, Counsel said that, from the accounts of police officers who said they had discovered the bomb, the discovery appeared to have taken place within a short time of the cars arriving or within a short time of the injured being taken to hospital. This, Counsel suggested, would in fact leave no time for the medical examinations.

Mr Dickson did not think that the medical officer could possibly have been permitted to unwittingly examine a body on which police officers had already discovered a nail bomb. He also did not believe that a body with a nail bomb would have been left unattended by the police for any period of time.

Counsel said that there were only two possible conclusions to the conflicting timings between the police and the medical officer: the first being that everybody got the times wrong, the doctor taking less time to examine the bodies and the police taking longer to discover the bomb; the second alternative would be that the doctor carried out his examinations and did not discover a bomb as there was none to be found, but that at least one bomb was subsequently planted on the body. Mr Dickson said that the second alternative could not have occurred.

#### **7.1.5 Army Technical Officer**

An Army Technical Officer (ATO) was called, seemingly by the army, to deal with the nail bomb. Mr Dickson's Widgery statement describes how the ATO examined the body, confirming that the object looked like a nail bomb, at which stage Mr Dickson also noted a bulge in the left-hand jeans pocket. The ATO had then driven the car across to a car park, and Mr Dickson and Sergeant Carson followed on foot.

Mr Dickson had had to leave the car park at some stage, and when he returned he was told that a total of four bombs had been found on the victim and saw the dismantled parts in plastic bags.

#### **7.1.6 Other accounts of nail bombs being discovered on a dead body**

The Tribunal is in receipt of a statement by Captain Rupert Conder who describes himself as having been the public relations officer of the 1<sup>st</sup> Battalion of the Royal Anglian Regiment at the time of Bloody Sunday. He wrote that he was at the command post on the Craigavon Bridge when a car sped up to the road block. The driver then jumped out of the car and ran off. Captain Conder says that he approached the car and discovered a youth in the back of the car who appeared to be dead and had seen two nail bombs in both of the youth's jacket pockets.

Mr Chartres, a journalist who is now deceased, also described being invited into the compound by Captain Rupert and being shown the body carrying nail bombs. In his Widgery Statement, he described the car being driven away by a bomb disposal officer, accompanied by a regimental sergeant major of the Special Investigation Branch.

Mr Dickson had never heard this version of events before and said that, to his knowledge, only one body had been discovered with nail bombs.

## **7.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED**

### **7.2.1 Timing of the discovery of the bomb**

In Mr Dickson's police report of 14<sup>th</sup> February 1972, which he said would have been based on notes taken on Bloody Sunday, he recorded being told of the arrival of the car containing the body of Gerald Donaghy at approximately 4:30 pm.

Records of RUC and army communications on the day record the first call for an ATO at 4:50 pm, approximately 20 minutes after the arrival of the car. Mr Dickson said that the call would have been made immediately after the bomb had been found.

Mr Dickson agreed that it would be inconceivable for a police officer, who was aware that a bomb had been discovered, not to have mentioned it to headquarters had he made contact with them. However, from the radio log, it would appear that Sergeant Carson, who had the police radio on the day, made communication with headquarters at 4:44 pm (approximately 10 to 15 minutes after Mr Dickson recorded the arrival of the car) and did not request an ATO.

Counsel suggested that the radio logs on the day appeared more consistent with the medical officer's evidence in relation to timings and that the request for the attendance of the ATO was likely to have been made after the completion of the medical examinations by the medical officer, rather than immediately upon arrival of the car in the compound.

### **7.2.2 Interviews with Raymond Rogan and John Young**

Mr Dickson agreed that Raymond Rogan and John Young, the driver and passenger in the car carrying Gerald Donaghy, had been interviewed some time after the discovery of the nail bomb on the body of Gerald Donaghy and that the two officers who had interviewed them, Sergeant McTeggart and Constable Neilly, would have known at that stage that at least one nail bomb had been found.

Mr Dickson also agreed that it would have been inconceivable that the experienced officers would not have questioned the two men about the nail bombs found. However, it would appear from Mr Rogan's evidence and from other documents before the Tribunal that neither of the men had been questioned about the discovery. Mr

Dickson said that he found that very strange. However, he denied the suggestion that those questioning the two men had not asked them about the bombs as they knew that there had been no bombs on the body when it had arrived at the centre. He said that Sergeant McTeggart had been present when the nail bomb had been discovered.

### **7.2.3 Changes to his statement to the Inquiry**

After signing his statement to the Inquiry, Mr Dickson had subsequently revised it, crossing out a number of passages including one in which he had written that he had become “immediately aware that it might be alleged that the nail bombs had been planted by the army and considered the possibility at the time.”

Whilst Mr Dickson agreed that he was familiar with writing statements and with the necessity to read over them before signing them, it was only later, when he had reread the document a number of times, that he had realised that his memory was faulty. He explained that he could not have formed such an opinion immediately as, at that stage, he had not been aware of what had actually transpired in the Bogside that day. It was only later in the day, when he had heard the media reports, that he had realised that something had gone drastically wrong.

Mr Dickson had also redacted from his signed statement passages describing how he had been struck by the neatness of the bombs, having never previously seen bombs so neatly put together. That said, the redacted passages also delete a statement made by Mr Dickson to the effect that the bombs could not have been planted, as the trousers were too tight.

He told the Tribunal that he had crossed out the relevant passages of his own volition and had not been asked to do so by anybody.

### **7.2.4 ‘Planted’ nail bombs**

After initially saying that it would have been impossible for anyone to have planted the bombs, Mr Dickson qualified his statement by saying that it would have been difficult but possible for somebody with access to explosives to have planted the bombs.

He confirmed that Sergeant Carson, who was present in the detention centre, was an explosives officer and that he would have had access to quarry explosives. He was informed by Counsel that some of the devices found had been made from an unusual explosive called Quarrex that was used in relation to quarries.

Mr Dickson's current testimony was that he first became aware of the possibility that the nail bombs might have been planted late in the evening of Bloody Sunday, after hearing media reports and speaking with colleagues. He said that the opinion being bandied about in the media was that the army had opened fire without justification and this had led him to believe that the planting of nail bombs could have happened, in an attempt by the military to protect themselves.

#### **7.2.5 Differences between police report and Widgery statement**

Mr Dickson agreed that there appeared to be irreconcilable differences between his police report of 14<sup>th</sup> February and his subsequent statement to the Widgery Inquiry made some time in March. These differences concerned the RUC officers with whom he dealt, the timings of the discovery of the bomb and the appearance of the bomb when first seen. In relation to the latter point, his first report stated that the bomb was visibly 'protruding' from the victim's pocket, whereas in his statement to Widgery, he said that all that he could see was a bulge in the pocket until he leant right over the body.

Mr Dickson said that a number of the differences could be explained by the fact that the second report was more detailed than the first, rather than by Counsel's suggestion that he had changed his statement in order to factor in the evidence of the medical officer who had examined the body twice and seen no nail bombs.

#### **7.2.6 Location of the nail bomb**

Mr Dickson confirmed that the only nail bomb he had seen had been in the front right hand pocket of Gerald Donaghy's jeans. He said that he had not seen any bombs in the victim's jacket pockets, as suggested by Mr Chartres; nor had he seen a bomb in the left hand pocket of the jeans, as claimed by Sergeant Carson.

#### **7.2.7 Officers called before Widgery**

Counsel informed Mr Dickson that the only two RUC officers called to give evidence to the Widgery Tribunal in relation to the bomb were Sergeant Carson and Mr McCormack, a Scenes of Crime Officer. He did not know why he had not been called himself and said that it was something he had often wondered about.

### **7.3 QUESTIONS ON BEHALF OF THE SOLDIERS**

#### **7.3.1 Medical officer**

Mr Elias (acting for both the medical officer and the soldier who drove the car to the detention centre) said that it would appear from the contemporaneous statement by the medical officer concerned that he had first examined Gerald Donaghy to ascertain that he was dead, had left the scene to examine the wounded and had come back to perform a more detailed examination of the body, at which time he had been informed of the discovery of a nail bomb. Mr Dickson agreed that it would have been inconceivable for the medical officer to have been allowed to complete the second examination had a bomb been found on the body.

### **7.3.2 Discovery of the nail bomb**

Mr Dickson was told that three police officers under his command claimed to have found the bomb on the body of Gerald Donaghy. He agreed that it would have been extraordinary for an officer, knowing that there was a bomb on the body, to have entered the car and placed their hand in the victim's pocket, given the fears about the possible instability of the explosive. However, he said that he had not discussed with any of these officers the circumstances in which they had found the bomb, nor had he questioned them about the suggestion that the bombs had been planted.

He said that, although he had considered the possibility that the bombs might have been planted by the army he had never even considered the possibility of them having been planted by the RUC.

### **7.3.3 Timing of the arrival of the car containing Gerald Donaghy**

Mr Dickson was shown the radio log of the Royal Anglian Regiment on Bloody Sunday which records a communication made at 4:36 pm alerting the detention centre to the fact that the car containing Gerald Donaghy was on route to the compound. He said that this log would be more accurate than his own record which recorded the arrival of the car at approximately 4:30 pm.

Counsel suggested that, if the army log was accurate, there would only have been a space of 10 minutes between the arrival of the cars in the compound and the call for an ATO, indicating that the medical officer's estimation of the time it took him to examine the body was an overestimation.

### **7.3.4 'Planted' nail bombs**

Mr Dickson said that anybody attempting to plant bombs on the body would have been very foolhardy, given the numbers of army and RUC officers who could have caught them in the act.

## **8. CLARA HAMILTON'S EVIDENCE**

At the time of Bloody Sunday, Ms Hamilton was a WPC based at Strand Road police station in Derry. She was detailed for duty at the military base at the junction of Craigavon Bridge and Foyle Street in order to deal with any persons arrested by the army during the march. Her evidence focused primarily on the two statements she wrote in 1972.

### **8.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

#### **8.1.1 Contemporaneous statements**

Ms Hamilton made two statements in 1972 relating to Bloody Sunday. The first was a report made on 5<sup>th</sup> February to a Woman Inspector concerning her duties on the day; the second was a deposition made on 9<sup>th</sup> March to Basil Hall, solicitor to the Widgery Inquiry. Ms Hamilton told the Tribunal that both reports would have been the truthful recollection of what she had witnessed on Bloody Sunday.

#### **8.1.2 Arrival of the cars at the detention centre**

Ms Hamilton said that a message came into the army radio hut that two cars were arriving, one containing the body of a dead man and the second containing an injured man. This information had been passed on to her and she had gone out into the car park of the detention centre when the two Ford Cortinas were driven into the compound. Shortly afterwards, a third car containing a further injured man arrived.

The injured men were taken out of the cars and put into a military ambulance.

#### **8.1.3 Gerald Donaghy**

##### **8.1.3.1 Discovery of the nail bomb**

Ms Hamilton wrote in her deposition of 9<sup>th</sup> March that she had approached the car containing Gerald Donaghy with Inspector Dickson in order to search for identification on the dead body. She initially opened the rear door on the driver's side and pulled down a blanket covering the victim's head and shoulders. As the young man appeared to be dead, she replaced the blanket and went around to the other side of the car, opening the rear passenger door. The bottom half of the body was covered with a green candlewick bedspread which she pulled off.

A soldier had then said that there was something in the young man's pocket. In the statement, she described seeing a bulge in the right hand side pocket of the victim's jeans and attempting to feel what it was. She then tried to pull the object out of the pocket, which proved difficult due to the tightness of the pocket. The statement records the object as being a round object covered with insulating tape, out of which something with the appearance of a stick of liquorice was protruding.

She could no longer specifically recall a soldier having shouted at her: 'get out, it's a bomb'.

#### 8.1.3.2 Photograph of the body

Ms Hamilton told the Tribunal that the photograph in its possession of the body corresponded with her recollection of it. However, she said that the victim's arms appeared to be in a different position. She also said that the bomb appeared to be protruding from the pocket to a greater extent than she had recorded at the time.

#### 8.1.3.3 Operations Officer of 1<sup>st</sup> Battalion of the Royal Anglian Regiment

Ms Hamilton was read a section of the statement to the Tribunal of the Operations Officer of the 1<sup>st</sup> Battalion of the Royal Anglian Regiment who was also present at the detention centre on Bloody Sunday. The Operations Officer said that he had seen the cars arriving in the compound and had seen a nail bomb protruding out of the pocket of a body in the back seat of one of the cars. He then said: "then an RUC WPC went up to the car and stood near it, obscuring my view of the body. I do not recall any detail at all about the WPC. I assume she removed the bomb because, when she left and I could see the body again, the nail bomb was gone".

Ms Hamilton said she was the only WPC on duty at the centre, but that she had definitely not removed the nail bomb from the victim's trousers.

#### 8.1.3.4 Additional statements relating to the discovery of the bomb

Ms Hamilton did not agree with Chief Inspector Hogg's statement in which he describes her as having pulled the object out of the pocket as far as necessary to identify it as a nail bomb. Additionally, she could not recall an army officer being called over to identify the object as a nail bomb, as described by an officer from the 22<sup>nd</sup> Light Air Defence Regiment.

## **8.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED**

### **8.2.1 Nature of duties on Bloody Sunday**

In her statement to the Inquiry, Ms Hamilton wrote that, in 1972, female police officers were kept separate from the men and that their work focused primarily on dealing with women and children in court and with the Children and Young Persons Act.

Counsel therefore asked how it had come to pass that she had been put on duty at the detention centre. She responded that she would have been responsible for dealing with any women arrested during the course of the march.

### **8.2.2 1972 statements**

#### **8.2.2.1 Police report of 5<sup>th</sup> February 1972**

In her statement to the Inquiry, Ms Hamilton wrote in relation to her 5<sup>th</sup> February statement: "I think I told someone about my memory of the day and they wrote it down and I signed it". She could not explain why somebody else would have written her report, saying that normal practice would have been for officers to write their own statements.

#### **8.2.2.2 Widgery statement of 9<sup>th</sup> March 1972**

Ms Hamilton said that she had been amazed to see the level of detail contained within her statement to the Widgery Tribunal. She presumed that she might have used notes made after the event to assist her in writing this statement. However, these notes have not survived.

### **8.2.3 Gerald Donaghy**

Ms Hamilton confirmed that, based on her Widgery statement, all that had been visible when she examined the body of Gerald Donaghy was a bulge in his pocket. Even leaning over the body, she had had to pull the object out in order to identify it. However, according to her earlier police report, the item was protruding from the victim's pocket and had been immediately visible.

Counsel asked how this difference between the two accounts had occurred and told Ms Hamilton that he felt it to be particularly significant, given a similar difference between Inspector Dickson's police report and Widgery statement. Ms Hamilton could not explain the difference in her two reports.

Ms Hamilton said that she could not recall hearing rumours at the time that the bomb might have been planted, and added that it was only when making her statement to the current Inquiry that she had found out that a further three bombs had been found on the victim.

#### **8.2.4 Peggy Deery**

Ms Hamilton assisted Sergeant Cudmore in interviewing Peggy Deery at City Hospital in Belfast on 19<sup>th</sup> February 1972. However, she could no longer recall the interview in any detailed way and could not confirm whether the purpose of the interview had been to investigate whether or not Mrs Deery had participated in an illegal march or whether it had been to ascertain whether she was the innocent victim of an unlawful shooting.

She could not explain why the statement taken from Mrs Deery did not include any information which could have helped to identify the soldier who shot her.

### **8.3 QUESTIONS ON BEHALF OF THE SOLDIERS**

#### **8.3.1 Discovery of the nail bomb**

Ms Hamilton was read a passage from Sergeant Carson's statement to the Widgery Tribunal in which he said that he was the one who had discovered the nail bomb on Gerald Donaghy's body. Sergeant Carson, who is now deceased, described Ms Hamilton as watching him search the body and find the bomb. Under cross-examination at the Widgery Tribunal, Sergeant Carson had said that he had remained with the body from the moment he first saw it until the ATO arrived and that, during that time, nobody else had approached the body.

Ms Hamilton agreed that her statement and that of Sergeant Carson could not both be accurate, but said that she believed her statements to be true. She was not called to give evidence before Widgery.

## **9. GILES PERESS'S EVIDENCE**

Mr Peress was a freelance photographer, working for the Magnum Agency, at the time of Bloody Sunday. He had covered events in Northern Ireland prior to the Bloody Sunday march, including a civil right march at Dungannon in January 1972. He took a large number of photographs on Bloody Sunday.

### **9.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

### **9.1.1 Creggan**

Mr Peress made his way to the Creggan Estate where marchers were assembling and saw two cars containing three or four men in their early twenties whom he believed to be IRA members driving away from the Creggan in the direction of the border. None of the men in question appeared to be armed.

### **9.1.2 Barrier 14 in William Street**

Mr Peress followed the route of the march down to William Street, proceeding to Barrier 14 instead of turning towards Free Derry Corner with the bulk of the marchers. He took a number of photographs of the confrontation at the barrier between marchers and the army. As the army entered through the barricade, he described being one of the last of the fleeing crowd to leave William Street.

### **9.1.3 Chamberlain Street**

Mr Peress ran down Chamberlain Street in the direction of the Rossville Flats. At this stage he heard high velocity shots being fired and took shelter at the junction of Chamberlain Street and Eden Place. He recalled a small group of other people being present in the street but had no recollection of anyone throwing stones.

He then saw a paratrooper in full battle dress, wearing a helmet with the visor up. The paratrooper was in a crouched position and was holding his rifle parallel to his hip. As Mr Peress made eye-contact with the soldier, he stepped out from the cover of the corner where he was sheltering, held his cameras above his head and shouted 'press'. The Para responded by firing one shot in his direction, hitting the ground floor windowsill of a house (Mr Peress subsequently returned to the location with Peter Pringle from the Sunday Times Insight Team and took a photograph of the bullet hole in the windowsill).

### **9.1.4 Rossville Flats car park**

Mr Peress ran further down Rossville Street. There he took a photograph of a group of men, including Father Daly, tending to the body of Jackie Duddy. He told the Tribunal that he could still hear high velocity fire at this time and saw people running across the car park.

He made his way around the car park to a low wall, running parallel to Block 2 of the Rossville Flats, at which stage he was very conscious of firing coming from the Rossville Street / waste ground area in the direction of Blocks 2 and 3 of the Flats.

He then moved towards a wall running parallel to Block 3 of the Flats and took a sequence of photographs depicting a group of men, including Patrick Doherty, crawling below the wall in an attempt to escape the gunfire. Again, Mr Peress recalled heavy gunfire at this stage, directed towards the group of men by two soldiers, one standing by the Flats and the other by Chamberlain Street. He recalled that, at one stage, Mr Doherty appeared to have difficulty in moving (which raised the possibility that he could have already been hit at this stage).

He confirmed that he had not heard low velocity gunfire at any stage in the car park, nor had he seen any armed civilians. He also said that he had not seen a body being carried through the alleyway between Blocks 2 and 3 of the Rossville Flats, as maintained by Sergeant O, and added that, had he seen it, he would have taken a photograph.

Mr Peress then made his way through the alleyway between Blocks 2 and 3. Again, he did not see anybody armed in the alleyway nor did he hear gunshots being fired from the alleyway, as suggested by Sergeant O. Here, he came upon the scene of Patrick Walsh crawling towards the body of Paddy Doherty which was lying on its back in Rossville Street. As he took photographs, he was aware of high velocity fire continuing down Rossville Street in the general direction of Paddy Doherty and Paddy Walsh.

#### **9.1.5 Barney McGuigan and Paddy Doherty**

Mr Peress moved towards the telephone box at the gable end of Block 2 of the Rossville Flats, where he took photographs of the body of Barney McGuigan. He became aware at this stage that the shooting appeared to have stopped.

He then returned to the body of Paddy Doherty and photographed a number of people, including a Knight of Malta and Mr Walsh, attending to the body.

### **9.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED**

#### **9.2.1 First shots heard**

Counsel told Mr Peress that there appeared to be a discrepancy between his 1972 statement and his current statement concerning the timing of the first shots on the day. In his first statement, Mr Peress appeared to indicate that the first shot he heard was the one which was directed at him by the paratrooper in Eden Place. However, it is his current recollection that he heard gunfire as he ran down

Chamberlain Street, prior to being shot at. Mr Peress was unable to state which version was likely to be the most accurate.

### **9.2.2 Paddy Doherty**

Mr Peress confirmed that he had not seen the shooting of Paddy Doherty and that, at the time, he had not realised that the body was that of one of the men he had earlier photographed crawling along the bottom of a low wall.

### **9.2.3 Soldier at Glenfada Park North**

Approximately 20 minutes after the shooting had stopped, Mr Peress took a photograph of a soldier behind the wall of the walkway coming down from Glenfada Park North. The soldier appeared to have been carrying a rubber bullet gun and a sub-machine gun.

## **9.3 QUESTIONS ON BEHALF OF THE SOLDIERS**

### **9.3.1 Four men, including Paddy Doherty, crawling along low wall**

Counsel pointed out to Mr Peress that one of the men crawling along the wall towards the alleyway between Blocks 2 and 3 of the Rossville Flats, appeared to have turned around to face in the opposite direction. He also suggested that two of the men appeared to be looking worriedly towards the alleyway. Mr Peress said that he could not give a specific interpretation as to why the two of the men appeared worried about the alleyway, but believed that they were checking whether the alleyway was safe. He reiterated that he had not seen anybody with a gun and did not see or hear any shots being fired from the alleyway.

### **9.3.2 Gunfire heard on Bloody Sunday**

Mr Peress said that he neither saw nor heard any nail bombs on the day. He also said that, with the exception of three shots fired late in the day from the direction of Free Derry Corner, all of the shots he heard on the day had been high velocity army fire.

Counsel took issue with Mr Peress for the fact that he had not expressly told Lord Widgery that the three shots he had heard had been low-velocity and that they had been fired from the direction of the Bogside.

Counsel also suggested that Mr Peress had been in the courtyard when Fr Daly says he saw a gunman fire a number of shots from the gable wall of Chamberlain Street. Mr Peress reiterated that he had not heard

these shots, stating that either there had been no such shots or that their sound had been drowned out by that of army fire.

### **9.3.3 Knowledge of the IRA and IRA members**

Mr Peress said that, at the time of Bloody Sunday, he did not know anybody within either wing of the IRA, nor did he have any knowledge of membership of the organisation, although he had been told that Martin McGuinness was a member.

He denied Counsel's suggestion that he had not taken a photograph of Martin McGuinness at the beginning of the march or of any IRA members because this would have endangered his life in some way.

## **10. DOUGLAS HOGG'S EVIDENCE**

At the time of Bloody Sunday, Mr Hogg was an RUC officer, based at Victoria police station in Derry. He was posted to the RUC detention centre, under the command of Inspector Dickson, set up at a military base at the junction of Craigavon Bridge and Foyle Street in order to deal with any persons arrested by the army during the march. Mr Hogg is currently a chief inspector with the PSNI.

### **10.1 QUESTIONS ON BEHALF OF THE TRIBUNAL**

#### **10.1.1 Chief Inspector Frank Lagan**

Mr Hogg told the Inquiry that he had heard on the grapevine that Frank Lagan had advised the army not to block off the route of the march, but to allow it continue through to the Guildhall. He said that he had spoken to Frank Lagan years afterwards and that the Chief Inspector had told him that he felt that the point at which the march had been blocked off on Bloody Sunday was too narrow and had not offered the crowd a turning point or escape route.

#### **10.1.2 Sound of nail bombs and gunfire**

Mr Hogg said that, whilst at the detention centre, he had heard a number of loud bangs which he believed to be nail bombs and some shooting. He told the Inquiry that he had not included this information in his contemporaneous statement as that had concerned only what he had done and seen at the detention centre itself. However, he was certain that he had heard explosions and shootings.

#### **10.1.3 Gerald Donaghy**

At some stage in the afternoon, Mr Hogg saw a Ford Cortina in the detention centre car park and had approached the car from the driver's side. To the best of his recollection, there were other RUC officers or military personnel around the car also, but the only person he could recall specifically was WPC Hamilton.

He told the Tribunal that WPC Hamilton had searched the body on the back seat of the car, opening the passenger door behind the driver's door in order to do so. As she searched the body, she came across an object in the jeans pocket of the victim which she pulled out by an inch or so. Mr Hogg said that he came to the conclusion that it was a nail bomb, and WPC Hamilton subsequently pushed the object back into the pocket.

Mr Hogg was informed that WPC Hamilton's evidence to the Tribunal was that she had examined the body from the passenger side of the car and that she did not pull the object out of the victim's pocket. Mr Hogg agreed that his recollection did not support that of his former colleague. Furthermore, he could not recall a soldier having shouted 'get out, it's a bomb', as maintained by WPC Hamilton.

Mr Hogg described the object as being of the size of a plastic baton round with the appearance of plasticine. He also confirmed that the photograph of Gerald Donaghy's body with a nail bomb, shown to him by the Tribunal, matched his recollection, apart from the fact that he recalled the object being slightly less exposed.

#### **10.1.4 Original drivers and passengers of the cars in the detention centre**

Mr Hogg took Mr Rogan, Mr O'Donnell, Mr Young and Mr Deehan, the drivers and passengers of the cars containing the body of Gerald Donaghy and the wounded Joseph Friel and Patrick Campbell, to Victoria Police Station for questioning.

### **10.2 QUESTIONS ON BEHALF OF THE FAMILIES AND WOUNDED**

#### **10.2.1 Sound of gunfire and nail bombs**

Counsel suggested that Mr Hogg was not telling the truth when claiming that he heard explosions and gunfire on the day. Mr Treacy rejected Mr Hogg's explanation that he had only recorded what he had seen and not what he had heard, as, Mr Hogg claimed, was usual police practice, and showed Mr Hogg a number of his colleague's contemporaneous police reports in which they clearly stated that they had not heard any shots or explosions during the afternoon. Indeed, it was pointed out to Mr Hogg that none of his colleagues at the detention centre claimed to have heard nail bombs or gunshots, with

Inspector Dickson explaining that any such sounds would have been inaudible due to the distance and the muffling effect of the city Walls.

Mr Hogg refuted the suggestion that he was not telling the truth.

### **10.2.2 Discovery of the nail bomb**

In his 1972 police statement, Mr Hogg wrote: "this person [Gerald Donaghy] was looked at by WPC Hamilton, who noticed that there was a nail bomb hanging out of his pocket". He made no mention of actually having seen the bomb himself. However, Mr Hogg disagreed with Counsel's suggestion that a natural reading of the statement would indicate that he had been told about the bomb rather than actually having seen it himself and said that he had noticed the bomb at the same time as the WPC.

Mr Hogg was also read the sworn testimony of Sergeant Carson to the Widgery Tribunal when he described the bomb as not being visible at all over the top of the victim's pocket. He agreed that 'hanging out' had been the wrong expression to describe what he had seen, but remained adamant that he had seen it.

He was also told that WPC Hamilton had described the object as being cream coloured, whereas he himself claimed it to have been greenish-grey. He had no recollection of the body being covered by a blanket of any description.

## **10.3 QUESTIONS ON BEHALF OF THE SOLDIERS**

### **10.3.1 1972 police statement**

Mr Hogg's 1972 police statement of evidence is not signed or dated, but he believed he would have written it within three weeks of Bloody Sunday, on the instruction of his superiors. Although the document now bears a Widgery reference number, Mr Hogg said that he had never been made aware that it had been submitted to or used by the Widgery Tribunal.

## **SUMMARY OF PROCEEDINGS**

Monday 20 <sup>th</sup> :	Paragraphs 1 and 2
Tuesday 21 <sup>st</sup> :	Paragraphs 3 to 6
Wednesday 22 <sup>nd</sup> :	Paragraphs 7 and 8
Thursday 23 <sup>rd</sup> :	Paragraphs 9 and 10